IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2934 OF 2006

Shanti Nagar Tenants Association & Anr. ...Petitioner
V/s.
Municipal Corporation of Greater Bombay & Anr. ...Respondents

Ms.Aruna Savla for Respondent No.1.
Ms.Madhu Rai i/b. Negandhi Shah & Himayatullah for Respondent No.2.
Mr.Y.S. Jahagirdar, Senior Advocate, with S.D. Nagare for Respondent No.3.

CORAM : J.N. PATEL &
A.A. SAYED, JJ.
DATE : 24TH APRIL, 2007.

P.C. :

1. None is present for the Petitioner. This Writ Petition is filed by the Association Tenants alleging fraud against the Respondent-Developer.

2. As the allegations are in relation to fraud, they are required to be examined on the basis of evidence which the Petitioner-Association will have to prove by leading evidence and as it is a disputed question of fact, we are not inclined to interfere in the matter in exercise of extra-ordinary jurisdiction under Article 226 of the Constitution of India. The Writ Petition is dismissed.

[J.N. PATEL, J.]

[A.A. SAYED, J.]